

Remarks

Claims 1, 4 and 12 are amended. Claim 15 is added.

Claims 1 to 4, 8, 9 and 12 to 15 are pending in this application of which claims 1, 12 and 13 are in independent form.

Claims 1 to 4, 8, 9 and 14 were objected to because of the informalities set forth on page 2, paragraph 2, of the action. The applicants adopted the language recommended by the Examiner and have defined the plano-convex lens accordingly. Claim 1 is further amended to also define the plano-concave lens in the same manner. Claim 1 should now be free of informalities.

Claims 1 to 4 and 14 were rejected under 35 USC 103(a) as being unpatentable over Pensel et al in view of Arai. The following will show that claim 1, as amended, patentably distinguishes the invention over this combination of references.

In the action, Pensel et al is described as claiming the applicants' invention except for the specifics of the image projection module. Arai is then applied because of the teaching of a projection lens assembly.

The projection lens assembly of Arai is for projecting a television image. Here, there is also a plano-concave lens element L_4 . However, the curved surface of this lens does not face toward the display. Instead, the curved surface of lens element L_4 is on the side thereof facing away from the display G as shown in FIG. 1 of this reference with G denoting a face plate of a CRT.

In contrast to Arai, applicants' claim 1 provides for an

image projection module which includes:

"...a plano-convex lens and a plano-concave lens mounted downstream of said image display unit;

said plano-convex lens having an exactly planar surface, which is a radius of curvature of infinity, and a convex surface;

said plano-concave lens having an exactly planar surface, which is a radius of curvature of infinity, and a concave surface; and,

said concave surface of said plano-concave lens being positioned to face toward said image display unit." (emphasis added)

The above is very different from the projection lens assembly taught by Arai so it is not seen how our person of ordinary skill could possibly hit upon the particular combination of lens elements as set forth in applicants' claim 1 and shown in FIG. 2 of their drawings.

Claim 15 is added to provide another definition of the invention wherein the location of the plano-concave lens is claimed with greater specificity.

In view of the above, applicants submit that it is not possible for our person of ordinary skill to combine Pensel et al and Arai to arrive at the surgical microscope as it is now defined in claim 1 as amended herein so that this claim should now be allowable. The claims 2 to 4, 8, 9 and 15 are dependent from claim 1 so that these claims too should now be allowable.

Claims 12 and 13 were rejected under 35 USC 103(a) as being unpatentable over Pensel et al in view of Ernstoff et al. The

following will show that claims 12 and 13 patentably distinguish the invention over this combination of references.

Applicants submit that Ernstoff et al cannot be combined with Pensel et al because the applicants' invention as defined in claim 12 provides for:

"...a time-dependent sequential illumination of said reflection display with only a single color is provided so that the brightness of said image display unit is increased compared to a display exposed to sequential RGB illumination."

The above is an illumination of the corresponding display with light pulses and this is consistent with the dictionary definition in Merriam-Webster's Collegiate Dictionary, 10th Edition, referred to by the Examiner on page 7 of the action. According to this definition, a sequence is a continuous or connected series. The term "series" is an expression which refers to a discrete succession of events.

A reflection display, which is not uninterruptedly illuminated by a light source (as it would result in the embodiment of FIG. 8 of Ernstoff et al if the filter drum 302 is stopped), is not provided in the applicants' invention. In this connection, reference can be made to page 6, lines 27 to 30, of the applicants' disclosure wherein it is stated that:

"...flickering in the superposition mode can be avoided by synchronizing the illumination of the image display unit 11 with the image sensor 25."

Accordingly, in the applicants' invention, the display is therefore always pulse illuminated.

Applicants respectfully submit that there is no suggestion

from a combination of Pensel et al and Ernstoff et al to our person of ordinary skill which would enable that person to arrive at the applicants' invention even if the filter drum of Ernstoff et al would be stopped.

With the applicants' pulsed illumination of the display, it is ensured that the display is not illuminated in the time span during which an image build up takes place via the adjustment of the display pixels. This is so because this would be perceived as a disturbance by the person viewing.

In view of the above, applicants submit that Pensel et al cannot be combined with Ernstoff et al to arrive at the applicants' invention as defined in claim 12. Claim 13 has a similar feature and limitation with respect to the image display unit so that this claim too should now be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

Date: December 8, 2004